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Attorneys for Defendants
Caesars Entertainment Corporation and Desert
Palace, LLC d/b/a Caesars Palace Hotel & Casino

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUSTIN CASTILLO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

CAESARS ENTERTAINMENT
CORPORATION and DESERT PALACE,
LLC d/b/a CAESARS PALACE HOTEL &
CASINO,

Defendants.

CASE NO. 4:18-cv-5781

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(A) (FEDERAL
QUESTION)**

TO THE CLERK OF THE COURT AND EACH PARTY IN INTEREST:

PLEASE TAKE NOTICE that Defendants Caesars Entertainment Corporation and Desert
Palace, LLC d/b/a Caesars Palace Hotel & Casino (collectively “Defendants”), by and through
their counsel, pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, hereby timely remove to this

1 Court an action originally filed in the Superior Court of California for the County of Marin, with
2 case number CIV-1802716, and set forth in support of their Notice of Removal of Action the
3 following:

4 1. On August 2, 2018, Plaintiff Justin Castillo (“Plaintiff”) filed a Complaint, as an
5 individual and on behalf of all others similarly situated, in the Superior Court of California for
6 the County of Marin, captioned *Justin Castillo v. Caesars Entertainment Corporation and Desert*
7 *Palace, LLC dba Caesars Palace Hotel & Casino*, Case No. CIV-1802716. *See* Ex. A, Compl.
8 Service of the Complaint and Summons was made on Caesars on August 22, 2018. *See* Ex. B,
9 Proof of Service.

10 2. The Complaint sets forth a single claim alleging that Defendants violated a federal
11 statute, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, which provides a
12 private right of action. *See* Ex. A, Compl. ¶¶ 31-36. Thus, Plaintiff’s claim plainly arises under
13 federal law and is removable to this Court. *See* 28 U.S.C. §§ 1331, 1441(a); *see also Mims v.*
14 *Arrow Fin. Servs., LLC*, 565 U.S. 368, 377-78 (2012) (holding that claims brought under the
15 TCPA “arise under” federal law and that federal courts have original jurisdiction pursuant to 28
16 U.S.C. § 1331 over such claims).

17 3. The action is properly removable to this Division because it was filed in the
18 Superior Court of California for the County of Marin. *See* Civil L.R. 3-2(d).

19 4. This Notice is timely because Defendants are filing this Notice within thirty days
20 after service of original process on August 22, 2018. *See* 28 U.S.C. § 1446(b)(1); *see also*
21 *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (“[I]f the complaint
22 is filed in court prior to any service, the removal period runs from the service of the summons.”).

23 5. To date, Defendants have not appeared in the Superior Court of California for the
24 County of Marin and are not aware of any other filings in that court.

25 6. No deadlines related to Defendants have passed or expired in the Superior Court
26 of California for the County of Marin.

27 7. Caesars Entertainment Corporation and Desert Palace, LLC are the only
28 defendants in this action, and thus do not need the consent of any other party to remove to

1 federal court.

2 8. By filing this Notice, Defendants do not admit any of the allegations in the
3 Complaint and do not waive any potential defenses available upon removal including, but not
4 limited to, challenging personal jurisdiction, seeking to transfer venue, seeking to enforce an
5 arbitration agreement, or seeking dismissal for failure to state a claim.

6 9. A true and correct copy of this Notice will also be filed on this same date with the
7 Clerk of the Superior Court of California for the County of Marin.

8 10. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11,
9 as required by 28 U.S.C. § 1446(a).

10
11 Dated: September 21, 2018

Respectfully submitted,

12 LATHAM & WATKINS LLP

13
14 By /s/ Melanie M. Blunschi
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